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15 **UNITED STATES DISTRICT COURT**
16 **DISTRICT OF NEVADA**

17 ANAT SAPAN and FALKO HOERNICKE,
Individually and On Behalf of themselves and
18 All Others similarly Situated,

19 Plaintiffs,

20 v.

21 LIBERATOR MEDICAL HOLDINGS, INC.;
MARK LIBRATORE; JEANNETTE
22 CORBETTE; TYLER WICK; RUBEN JOSE
KING-SHAW, JR; PHILIP SPRINKLE; C.R.
23 BARD, INC.; FREEDOM MERGERSUB, INC.,

24 Defendants.

Case No.: 2:15-cv-02484-APG-CWH

**STIPULATION FOR EXTENSION OF
TIME FOR DEFENDANTS TO RESPOND
TO COMPLAINT, REGARDING
SERVICE OF PROCESS, AND
REGARDING INITIAL SCHEDULING
CONFERENCES**

25 Plaintiffs Anat Sapan and Falko Hoernicke (“Plaintiffs”), and Defendants Liberator Medical
26 Holdings, Inc., Mark Libratore, Jeannette Corbette, Tyler Wick, Ruben Jose King-Shaw, Jr., Philip
27 Sprinkle, C.R. Bard, Inc., and Freedom MergerSub, Inc. (“Defendants”) (collectively, the “Parties”)
28 respectfully submit the following Stipulation:

1. Plaintiffs filed their Individual and Class Action Complaint (“Complaint”) on December 29, 2015.

2. On January 4, 2016, counsel for Defendants Liberator Medical Holdings, Inc., Mark Libratore, Jeannette Corbette, Tyler Wick, Ruben Jose King-Shaw, Jr., Philip Sprinkle (the “Liberator Defendants”) accepted service of process on behalf of all of the Liberator Defendants. Accordingly, the Liberator Defendants’ responses to the Complaint was due on January 25, 2016.¹

3. Defendant C.R. Bard, Inc. was served on January 5, 2016. (ECF No. 52.) Accordingly, C.R. Bard, Inc.’s response to the Complaint was due on January 26, 2016.

4. Defendant Freedom MergerSub, Inc. was served on January 5, 2016. Accordingly, Freedom MergerSub, Inc.’s response to the Complaint was due on January 26, 2016.

5. On January 15, 2016, this Court indicated it would stay the state law causes of action.

6. Thereafter, Defendants and Plaintiffs reached agreement wherein Plaintiffs agreed to withdraw their Motion for Temporary Restraining Order and Defendants agreed to provide Plaintiffs with the same limited discovery that Defendants had agreed to provide plaintiffs in the related Nevada State court actions, including participation in two Liberator depositions (of Tyler Wick and Robert Davis) and the production of certain documents on to-be-agreed-upon limited search terms.

7. The Parties hereby stipulate and agree that within 30 days of completion of the limited discovery agreed upon by the Parties and described in paragraph 6, the Parties shall confer regarding whether Plaintiffs intend to voluntarily dismiss their complaint, designate the operative complaint, or file an amended complaint, and Plaintiffs shall take such action.

8. Additionally, unless the Court orders otherwise, the Parties stipulate and agree that they will not be required to conduct their initial scheduling conferences pursuant to the Federal Rules of Civil Procedure until the Court’s resolution of any motions to dismiss filed in response to Plaintiffs’ designated operative or amended complaint. The Parties agree that, except for the limited

¹ On January 25, 2016, all Defendants timely obtained Plaintiffs’ agreement to an extension of time to respond to the Complaint.

agreed-upon discovery described in paragraph 6, discovery shall be stayed until the Court's resolution of any motions to dismiss filed by Defendants.

DATED this 9th day of February, 2016.

DATED this 9th day of February, 2016.

MUEHLBAUER LAW OFFICE, LTD.

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/s/ Steven Shevorski, Esq.

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1 DATED this 9th day of February, 2016.

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22 *and Freedom MergerSub, Inc.*

23 **ORDER**

24 IT IS SO ORDERED.

25 IT IS FURTHER ORDERED that the parties must file a joint status report on March 14,
26 2016.

27 
28 **UNITED STATES MAGISTRATE JUDGE**

DATED: February 11, 2016

AKERMAN LLP

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CERTIFICATE OF SERVICE

Pursuant to Fed. R. Civ. P. 5(b), I certify that on the 9th day of February, 2016, I served via CM/ECF electronic filing system, and/or deposited for mailing in the U.S. Mail postage prepaid, a true and correct copy of the foregoing **STIPULATION FOR EXTENSION OF TIME FOR DEFENDANTS TO RESPOND TO COMPLAINT, REGARDING SERVICE OF PROCESS, AND REGARDING INITIAL SCHEDULING CONFERENCES** addressed as follows:

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/s/ Julia M. Diaz

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